

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

LINCOLN ANTHONY MOODY,	)	
	)	
Petitioner,	)	
v.	)	Civil Action
	)	No. 10-3367-CV-S-ODS-H
MARTY ANDERSON, Warden,	)	
United States Medical Center for	)	
Federal Prisoners,	)	
Respondent.	)	

**ORDER AND JUDGMENT**

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition be dismissed without prejudice.

Petitioner filed *pro se* exceptions to the report and recommendation of the Magistrate. He continues to allege that he has stated a constitutional violation regarding the Native American Sweat Lodge Ceremony at the Medical Center.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petition should be dismissed on the grounds that petitioner has failed to state a constitutional violation. It is clear from the record that he has failed to raise a statutory or constitutional violation regarding the sweat lodge ceremony, given that a Native American spiritual leader from the local

community was consulted, it was determined that the amount of rocks was sufficient, and the Medical Center obtained a large quantity of lava rocks in February of 2011, which should last for several years. Accordingly, the Court finds that the conclusions of the Magistrate are correct and should be approved.

Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner's exceptions filed herein be, and they are hereby, considered and overruled. It is further

ADJUDGED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Ortrie D. Smith

Ortrie D. Smith  
United States District Judge

Date: 4/11/11